

# Exhibit A

V I R G I N I A:

IN THE CIRCUIT COURT FOR THE COUNTY OF FLUVANNA

AA and FA, )

Petitioners, )

) NO.CL22000186-00

JM and SM, )

Respondents.)

TRANSCRIPT OF PROCEEDING

BEFORE THE HONORABLE CLAUDE V. WORRELL, II

Palmyra, Virginia

Wednesday, November 29, 2023

11:21 a.m.

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Reported by: Korena K. Heath

P R O C E E D I N G S

(Court reporter sworn).

MR. WRIGHT: Yes, Your Honor. And we've submitted a draft order for the Court to consider, two sanctions as we contemplated at the last hearing. I don't know if the Court's had a chance to review that.

THE COURT: Tell me what you want me to do.

MR. WRIGHT: Well, Your Honor, what we're asking for is two things. One is Judge Moore specifically found in his November 18 finding for the rulings that there were credible issues with both of the As and found the Ms more believable. In doing so, Judge Moore cited at least two occasions where A.A. acknowledged having made a false statement. We would ask the Court to leave that in place, which I believe it's already done. But to make that clear, that that finding is undisturbed and then if the Court now finds further that A.A. is not a credible witness in his testimony regarding the child, not all of his testimony, but his testimony regarding the child should be discredited by the Court.

And then the second one is to make an

1 adverse finding with regard to the petitioners in  
2 that the Court finds the -- that A.A.'s family did  
3 seek permission from the Taliban to send the child to  
4 the United States in the summer of 2021. And that  
5 A.A. did not have control or decision making  
6 authority over the child.

7 THE COURT: So ultimately though --

8 MR. WRIGHT: Yes, sir.

9 THE COURT: -- why does that matter?

10 MR. WRIGHT: Well --

11 THE COURT: If the Court's determination as  
12 to the present posture of the case has to do with  
13 what the Court knew and should have known at the  
14 time, and that the Court's view of what took place  
15 with regard to the Afghan government and their  
16 decision, what difference does it make whether or not  
17 A.A. had any authority at all?

18 MR. WRIGHT: This Court made a finding that  
19 they were -- or a conclusion that they were either de  
20 facto parents or psychological parents. It would --  
21 and testimony being that no, no, we made all  
22 decisions for the child. This contradicts both of  
23 those things.

24 THE COURT: Does it -- and I'm going to say  
25 it again.

1 does their right to, I mean, if we're talking about  
2 this child like chattel, right? And you think about  
3 the better interest of the prior possessor, that  
4 their interest is better than any subsequent interest  
5 as a prior possessor, because it is closest to the  
6 original possessor's intent, right? It's like  
7 larceny. Larceny is not a crime against ownership.  
8 It's a crime against possession, because you can  
9 steal property that was stolen from somebody else.

10 MR. WRIGHT: Your Honor, I'm a little bit  
11 horrified with the comparison. Because what we're --  
12 we have rules about notice when it comes to children  
13 and proceedings involving them. They weren't due  
14 that. And then so it's apples and oranges to make  
15 that kind of comparison.

16 THE COURT: It isn't. It isn't. Because  
17 their interest isn't any less or any -- their  
18 interest isn't any less important to the court than  
19 the interest of the Ms in this process.

20 MR. WRIGHT: Well, if the Court --

21 THE COURT: Your suggestion is that they're  
22 nothing. That they don't have any right. That they  
23 don't have any position. They have no standing to  
24 complain about or do anything. Okay. But I tell you  
25 that they gain standing because a sovereign

1 government says they have standing. And whether you  
2 like that or not, it doesn't matter.

3 MR. WRIGHT: Sure.

4 THE COURT: They've been granted standing  
5 by a sovereign nation. Whatever that math at the  
6 time and whatever it means now, that's who they are.

7 MR. WRIGHT: Well, then it seems to me that  
8 the sanctions that I'm asking for, the remedy in this  
9 court would have no effect on the case. So then why  
10 would it give the court such heartburn to grant it?

11 THE COURT: Because I don't want to do  
12 something that's entirely useless. I don't want to  
13 enter an order that's meaningless. It seems like the  
14 court's orders ought to mean something.

15 MR. WRIGHT: Oh, I completely agree, Your  
16 Honor. And, I mean, what we're essentially dealing  
17 with here is not chattel. We're dealing with trying  
18 to figure out what was right and what should be done  
19 with a four and-a-half year old child.

20 THE COURT: Right.

21 MR. WRIGHT: And so the Ms have been  
22 deprived of at least in part a fair trial in this  
23 thing, because of the actions of petitioners. So  
24 we're trying to remedy, find a sanction and remedy  
25 that would put them basically in a position as if it